

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

AZEEM MODAK,

Plaintiff,

v.

VALLEY ELECTRIC,

Defendant.

CASE NO. C19-1198-JCC

ORDER

This matter comes before the Court on Defendant’s motion for judgment on the pleadings (Dkt. No. 12). Defendant filed its motion on February 20, 2020. Plaintiff has failed to respond to Defendant’s motion.

A motion for judgment on the pleadings brought under Rule 12(c) “faces the same test as a motion under Rule 12(b)(6).” *McGlinchy v. Shell Chem. Co.*, 845 F.2d 802, 810 (9th Cir. 1988). Thus, “judgment on the pleadings is properly granted when, taking all allegations in the pleading as true, the moving party is entitled to judgment as a matter of law.” *McGann v. Ernst & Young*, 102 F.3d 390, 392 (9th Cir. 1996). Under Ninth Circuit precedent, if a plaintiff fails to respond to a defendant’s motion to dismiss, then a district court may dismiss the case without reaching the merits. *See* W.D. Wash. Local Civ. R. 7(b)(2); *Ghazali v. Moran*, 46 F.3d 52, 53–54 (9th Cir. 1995) (affirming district court’s dismissal without prejudice); *Marcus v. ABC Signature Studios, Inc.*, 279 F. Supp. 3d 1056, 1063 (C.D. Cal. 2017). Because the same test applies to

1 judgment on the pleadings, that approach is appropriate here. Consequently, the Court
2 DISMISSES Plaintiff's complaint without prejudice. The Clerk is DIRECTED to close this case.

3 DATED this 7th day of May 2020.

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7 John C. Coughenour
8 UNITED STATES DISTRICT JUDGE
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